

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VINCENT LAWRENCE,

Plaintiff,

v.

CASE NO: 1:24-cv-11493-ADB

KALM FINANCIAL, INC., *et al.*,

Defendant.

**DEFENDANT TURBO DEBT LLC’S MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM UNDER RULES 8(a) AND 12(b)(6)**

Pursuant to Rules 8(a) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Turbo Debt LLC (“Turbo Debt”) moves for dismissal of all claims asserted in the Second Verified Amended Complaint against Turbo Debt for failure to meet pleading notice requirements and failure to state a claim upon which relief can be granted.

As grounds for this Motion, Turbo Debt states as follows:

1. Plaintiff Vincent Lawrence (“Plaintiff”) asserts five (5) causes of action against all defendants party to this action in his Second Verified Amended Complaint (“SAC”) filed before this Court on or about July 17, 2024, attempting for the third time to allege various violations of the Telephone Consumer Protection Act (“TCPA”), the Massachusetts Telemarketing Solicitation Act (“MTSA”), the Massachusetts Consumer Protection Law under M.G.L. c. 93A, and regulations pertaining to the Massachusetts Do Not Call Registry as codified in 201 CMR 12.04.

2. Plaintiff fails to plead his claims in a manner that gives Turbo Debt adequate notice of the claims against it, because the allegations levied against Turbo Debt only refer vaguely to amorphous “Defendants” without specifying which purportedly unlawful activity is being

attributed to Turbo Debt, thereby rendering these claims deficient under Federal Rule of Civil Procedure 8(a).

3. Plaintiff also fails to state any claims against Turbo Debt because the SAC does not contain sufficient non-conclusory factual matter connecting Turbo Debt to the alleged causes of action, thereby rendering the claims against Turbo Debt deficient under Federal Rule of Civil Procedure 12(b)(6).

4. Because the SAC fails as a matter of law to state a claim against Turbo Debt and fails to provide adequate notice to Turbo Debt of the claims against it, Turbo Debt is entitled to entry of an Order dismissing all claims asserted in the SAC against Turbo Debt.

5. Moreover, because Plaintiff has now failed for the third time to adequately allege his claims, and has repeatedly failed to cure the same above-described deficiencies previously brought to his attention, this Court should dismiss all of Plaintiff's claims with prejudice.

WHEREFORE, for the reasons set forth above and in the Memorandum of Law filed herewith, Defendant Turbo Debt LLC respectfully requests this Court enter an Order dismissing all claims asserted in the SAC against Turbo Debt with prejudice and award any such further and other relief in favor of Turbo Debt as this Court may deem just and proper.

LOCAL RULE 7.1(a)(2) CERTIFICATION

In compliance with Local Rule 7.1(a)(2), on September 13 and 14, 2024, the undersigned counsel for Defendant Turbo Debt LLC conferred with Plaintiff, who appears in this matter *pro se*, via email and attempted in good faith to resolve or narrow the issues raised in this Motion, but the parties were unable to agree on resolution of the issues presented in the Motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Defendant Turbo Debt LLC believes that oral argument will assist the Court and wishes to be heard. Defendant Turbo Debt LLC therefore requests oral argument on this Motion.

Dated: September 17th, 2024.

Respectfully submitted,

By: /s/ Melanie A. Conroy
Melanie A. Conroy (BBO No. 568830)
Email: mconroy@pierceatwood.com
PIERCE ATWOOD LLP
100 Summer Street, 22nd Floor
Boston, MA 02110
Tel: (617) 488-8119
Fax: (617) 824-2020

By: /s/ Jamey R. Campellone
JAMEY R. CAMPELLONE
Fla. Bar No. 119861
Admitted Pro Hac Vice
Email: jamey.campellone@gmlaw.com
Email: gabby.mangar@gmlaw.com
GREENSPOON MARDER LLP
200 E. Broward Blvd., Suite 1800
Fort Lauderdale, Florida 33301
Tel: (954) 527-6296
Fax: (954) 333-4027

Attorneys for Turbo Debt LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2024, this document was filed with the Clerk of the Court using CM/ECF. The undersigned also certifies that the foregoing document is being served this day on all registered participants as identified on the Notice of Electronic Filing generated by CM/ECF.

By: /s/ Melanie A. Conroy
Melanie A. Conroy (BBO No. 568830)